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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
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9 EVINE BATTLE,

Case No. 2:19-cv-00453-GMN-DJA

10 Petitioner,

v.

ORDER

11 BRIAN WILLIAMS, et al.,

12 Respondents.  
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15 On June 12, 2019, respondents filed a motion for extension of time asking for an  
16 additional 60 days within which to file their answer. ECF No. 9. Respondents filed their  
17 answer within the 60 day period (ECF No. 11), but filed a motion asking for an additional  
18 7 days to file an index of exhibits in support of their answer. ECF No. 12. The index of  
19 exhibits was filed the following day. ECF Nos. 13-17. Respondents also filed a motion to  
20 seal certain exhibits. ECF No. 18.

21 Because all of respondents' motions are supported by good cause and are  
22 unopposed, they will be granted.

23 Petitioner's reply to respondents' answer was due October 11, 2019. See ECF  
24 No. 6. On November 6, 2019, petitioner filed a motion requesting a 45 day extension of  
25 time to file his reply. ECF No. 20. Because the motion was filed after the deadline,  
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1 petitioner is required to show that he "failed to act because of excusable neglect." See  
2 Fed. R. Civ. P. 6(b)(1)(B) and LR IA 6-1 of the Local Rules of Practice.


3 Petitioner alleges with his motion that he was unable to access the law library  
4 due to a prison lockdown that began in September. However, respondents have  
5 provided a declaration from the law library supervisor at petitioner's prison establishing  
6 that the lockdown did not begin until October 11, 2019, (the deadline for petitioner's  
7 reply) and that, in any case, it did not impact petitioner's ability to access the law library.  
8 ECF No. 22 at 6-7.

9 Petitioner has not filed a reply refuting this information. Petitioner did, however,  
10 file his reply to respondents' answer on November 12, 2019, only six days after filing his  
11 motion for a 45 day extension. Thus, while it disfavors petitioner's apparent  
12 misrepresentations in support of this motion, the court will allow the extension given that  
13 petitioner has not unduly delayed the proceedings herein.

14 **IT THEREFORE IS ORDERED** that the all pending motions for extensions of  
15 time (ECF Nos. 9, 12, 20) are GRANTED *nunc pro tunc* as of their respective filing  
16 dates.

17 **IT IS FURTHER ORDERED** that respondents' motion to seal (ECF No. 18) is  
18 GRANTED.

19 DATED THIS 16 day of March, 2020.

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23 UNITED STATES DISTRICT JUDGE  
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